

Applicant	:	J. Stuart Cumming
Appl. No.	:	09/574,441
Examiner	:	David H. Willse
Docket No.	:	13533.4074

### Remarks/Arguments

Favorable reconsideration of this application is requested.

Enclosed is a new Reissue Application Declaration and Power of Attorney by Inventor which it is believed obviates the objection by the Examiner.

Typographical errors have been corrected in Claims 1, 10, 22, 23 and 24.

Turning to the rejection on the Guilbert French 2728459, it is respectfully submitted that the present claims clearly define patentable subject matter over that publication. This publication was cited three times in the parent application that became U.S. Patent No. 6,849,091 to which this reissue application relates. The claims were distinguished over Guilbert, and the Examiner allowed present Claims 1 through 26. Present Claim 27 is identical to Claim 26 but with the addition of the word "relatively" in line 2 of Claim 27. It is noted that the Examiner in this application did not reject Claims 22-26 on Guilbert, and it is therefore assumed that the Examiner considers those claims patentable.

From a review of the English translation of Guilbert which the Examiner graciously provided, it is clear that there is no disclosure whatsoever of a haptic or haptics. The Guilbert lens does not have oppositely extending haptics. This lens has an inner ring member 30 and an outer ring member 29 which are not and do not function as oppositely extending haptics. Neither ring is the same as nor an equivalent structure as oppositely extending haptics. Applicant's lens with oppositely extending haptics provides increased depth of focus with the optic positioned posteriorly along the axis of the eye. The Guilbert patent merely teaches a support in the form of a double ring. Furthermore, he does not disclose free members as claimed. Also, Guilbert does not have anything akin to the claimed haptics that extend longitudinally.

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Furthermore, the bridges 31 of the frame 28 of Guilbert are not haptics, nor does it appear that Guilbert discloses posterior vaulting.

As to the rejection based on obviousness, it is clear in determining obviousness that the inquiry is not whether each element existed in the prior art but whether the prior art made the invention as a whole for which patentability is claimed. See *Harntess International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 USPQ 2nd, 1826 (Fed. Cir. 1987). It is submitted that the present invention is not obvious.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 6-17-09

By: 

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Attachment

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